

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CYCLE-CRAFT CO., INC.

**d/b/a BOSTON HARLEY-DAVIDSON/BUELL,**

Plaintiff,

V.

HARLEY-DAVIDSON MOTOR COMPANY, INC.,

and BUELL DISTRIBUTION COMPANY, LLC,

Defendants.

Civil Action  
No. 04 11402 NMG

**CYCLE-CRAFT’S MOTION FOR LEAVE TO FILE  
REPLY MEMORANDUM IN SUPPORT OF MOTION  
IN LIMINE NO. 1 TO PRECLUDE ADMISSION OF  
PRIOR CONVICTION AND DEFERRED ADJUDICATION**

Cycle-Craft Co., Inc. d/b/a Boston Harley-Davidson/Buell (“Cycle-Craft”) hereby moves this Court for leave to file its Reply Memorandum in Support of Motion to Preclude Admission of Prior Conviction and Deferred Adjudication. In support of this motion, Cycle-Craft states that a reply to Harley-Davidson Motor Company, Inc. (“Harley-Davidson”)’s Opposition is critical given the overwhelming potential for prejudice to Cycle-Craft’s case that would be caused by admission of Cycle-Craft General Manager Ronald Buchbaum’s previous conviction. In particular, Cycle-Craft’s new argument seeks to respond to Harley-Davidson’s failure to satisfy the prerequisites for admission of the conviction under Fed. R. Evid. 609(b) and to demonstrate that Mr. Buchbaum’s conviction is not independently relevant under Mass. Gen. Laws Ch. 93B § 5(j) – a wholly new ground advanced by Harley-Davidson in support of admission of the conviction.

Respectfully submitted,

CYCLE-CRAFT CO., INC.

By its attorneys,

/s/ Christopher C. Nee

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May 9, 2006

**LOCAL RULE 7.1A(2) CERTIFICATION AND CERTIFICATE OF SERVICE**

I certify pursuant to Local Rule 7.1(A)(2) that the moving party attempted to confer in good faith with opposing counsel on the matter set forth herein and that opposing counsel has not granted its consent to this motion.

I further certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on May 12, 2006.

Dated: May 12, 2006

/s/ Christopher C. Nee